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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Warren M. Zapol et al.

Art Unit: 3307

Serial No.: 08/353,508

Examiner: Lewis, A

Filed : December 9, 1994

Title : METHODS AND DEVICES FOR TREATING PULMONARY
VASOCONSTRICTION AND ASTHMA

Commissioner of Patents and Trademarks
Washington, DC 20231

TERMINAL DISCLAIMER UNDER 37 CFR §3.73(b) AND §1.321(b)

Pursuant to 37 CFR §3.73(b), The General Hospital Corporation, a nonprofit corporation, certifies that it is the assignee of the entire right, title, and interest in the above application by virtue of an assignment from the inventors of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel/Frame 5944/0096 on November 25, 1991.

The undersigned has reviewed all the documents in the chain of title of the above identified application and to the best of the undersigned's knowledge and belief, title is in The General Hospital Corporation.

Date of Deposit _____

I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

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The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Pursuant to 37 CFR §1.321(b) and to obviate a double patenting rejection, The General Hospital Corporation hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above identified application subsequent to the expiration date of U.S. Patent No. 5,485,827. Further, any patent granted on the above identified application shall be enforceable only for and during such period that said patent is commonly owned with U.S. Patent No. 5,485,827.

The General Hospital Corporation does not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term of U.S. Patent No. 5,485,827 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above.

This disclaimer runs with any patent granted on the above application and is binding upon the grantee, its successors or assigns.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false

statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

THE GENERAL HOSPITAL CORPORATION



By: Marvin C. Guthrie, Esq.
Vice President, Patents

MARVIN C. GUTHRIE, J.D.
V.P., PATENTS, LICENSING AND
INDUSTRY SPONSORED RESEARCH

Date: April 30, 1996

Place: Charlestown, Mass.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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TRANSMITTAL OF TERMINAL DISCLAIMER

In response to the Office Action mailed March 28, 1996, and further to the Amendment filed by Applicant on July 25, 1996, Applicants submit the attached Terminal Disclaimer and a check for \$110 in payment of the requisite fee. The Terminal Disclaimer is submitted to overcome the obviousness-type double patenting rejection of the above-captioned application in view of co-owned U.S. Patent No. 5,485,827, as set forth in the Office Action mailed March 28, 1996. A petition for a one-month extension of time to July 28, 1996 was submitted with the Amendment filed July 25, 1996.

If there are any additional charges, or any credits, please apply them to Deposit Account No. 06-1050.

Respectfully submitted,

Date:

July 26, 1996

Janis K. Fraser, Ph.D., J.D.
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